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May 17, 1990

VIA TELECOPY

Ms. Beth Henning
Assistant Regional Counsel
U.S. EPA - Region V
230 South Dearborn Street
Chicago, Illinois 60604

Re: Albion-Sheridan Township Landfill,
Calhoun County, Michigan

Dear Ms. Henning:

Since receiving U.S. EPA's Section 106 Order dated March 19, 1990, Hayes-Albion Corporation ("Hayes-Albion") has undertaken considerable efforts to determine whether it ever sent hazardous or liquid waste or drums to the Albion-Sheridan Township Landfill ("Site"). As described in our previous letters to U.S. EPA, Hayes-Albion has not discovered any existing record indicating that it shipped hazardous or liquid waste to the Site or proving that it is connected to the drums located on the surface of the Site. The company has not yet received a response to its request to be deleted from the order.

Similarly, Hayes-Albion conducted an investigation of employees and waste haulers familiar with its waste stream. Contrary to U.S. EPA's allegations, however, affidavits have been signed and submitted which indicate that Hayes-Albion never transported hazardous or liquid waste or drums to the Site. Indeed, the only source (i.e., Mr. Wilkinson) that U.S. EPA relied on in identifying Hayes-Albion as a potentially responsible party ("PRP") signed an affidavit indicating that he has no personal knowledge whether Hayes-Albion ever shipped hazardous or liquid waste or drums to the Site.

As a result of its investigation, Hayes-Albion is aware of no reason to believe that it is a PRP at the Site. Simply stated, Hayes-Albion does not fall within CERCLA's classes of potentially responsible parties. Hayes-Albion has neither owned or operated the Site, nor has it transported hazardous waste to the Site. Further, Hayes-Albion did not

DYKEMA GOSSETT

Ms. Beth Henning
May 17, 1990
Page 2

generate the hazardous substance located in drums on the surface of the Site, nor did it generate any hazardous substance that was ultimately disposed of at the Site.

Hayes-Albion maintains an objectively reasonable belief that sufficient cause exists for not complying with the requirements of the Section 106 Order. See Solid State Circuits, Inc. v EPA, 812 F.2d 383, 391-392 (8th Cir. 1987).

If you have any further questions or comments, please contact me or my associate Grant Gilezan (313-568-6789). This letter shall become a part of the administrative record.

Very truly yours,

DYKEMA GOSSETT



James G. Fausone
(313) 568-6957

JGF/jam

cc: Allan B. Currie
Grant P. Gilezan